

1 2. This Court has jurisdiction over the subject matter of this litigation and over
2 all parties and Class Members in this litigation.

3 3. The Court finds that the distribution of the Notice of Class Action
4 Settlement, which was carried out pursuant to the Stipulation, constituted the best
5 notice practicable under the circumstances and fully met the requirements of due
6 process.

7 4. The Court finds that no Class Members have objected to the Settlement.

8 Two Class Members have requested exclusion from the Settlement as indicated on
9 Exhibit "A" attached hereto. Approximately 98.23% of the Class have filed timely
10 and valid claims. These 111 individuals have claimed, and will be paid, the entire
11 Net Settlement Fund pursuant to the terms of the Stipulation.

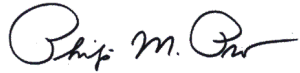
12 5. The Court finds that the Stipulation was the product of protracted, arm's
13 length negotiations between experienced counsel, facilitated by the Court. After
14 considering Defendant's potential exposure, the likelihood of success on the class
15 claims, the risk, expense, complexity and delay associated with further litigation, the
16 experience and views of Plaintiffs' Counsel, and the reaction of the Class to the
17 Settlement, as well as other relevant factors, the Court finds that the settlement, as set
18 forth in the Stipulation, is fair, reasonable, and in the best interests of the Class, and
19 hereby grants final approval of the settlement. The parties are ordered to carry out
20 the settlement as provided in the Stipulation except that defendants, DANIEL K.
21 SHAW and DANIEL K. SHAW as Trustee of the Dan K. Shaw Separate Property
22 Trust, shall have no obligations under the Stipulation, such defendant having been
23 duly discharged from the claims made in this litigation pursuant to the Order of the
24 United States Bankruptcy Court for the District of Utah on December 29, 2010.

25 6. Pursuant to the terms of the Stipulation the Clerk of the Court is directed to
26 enter a Final Judgment dismissing the Complaint with prejudice and the Court shall
27 retain jurisdiction over this matter for all purposes including for the anticipated
28 appointment of a Settlement Administration on or about November of 2012 pursuant

1 to the terms of the Settlement and for the enforcement of all of the terms of the
2 Settlement.

3 Dated: April 5, 2011.

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5 IT IS SO ORDERED

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Hon. Philip M. Pro
United States District Judge

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10 Submitted by:

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EXHIBIT "A"

PERSON FILING EXCLUSION REQUEST AFTER THE COURT SPECIFIED
DEADLINE:

Nancy Girroir

PERSON FILING TIMELY REQUEST FOR EXCLUSION:

Anne R. Corin